

On June 13, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19521. Misbranding of Wallingford's garget cure. U. S. v. 34 Bottles of Wallingford's Garget Cure. Default decree of condemnation, forfeiture, and destruction. (9528-A. F. & D. No. 28341.)

Examination of a drug product, known as Wallingford's garget cure, involved in this action disclosed no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it on the bottle label and carton and in a circular shipped with the article.

On May 23, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 34 bottles of the said Wallingford's garget cure, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Victor E. Cox, from Portland, Me., on or about May 3, 1932, and had been transported from the State of Maine into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide (6.5 grams per 100 milliliters), glycerin, and water.

It was alleged in the libel that the article was misbranded in that certain statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed. The said statements were annexed to the libel and made a part thereof, and were as follows: (Bottle label) "Garget Cure;" (carton) "Garget Cure For the Prevention and Cure of Garget in Cattle * * * One Dose given to a cow every month will prevent Garget. * * * This bottle contains three doses and is sufficient for the cure of any case of Garget in cattle. See references on circular;" (circular) "Garget Cure For The Cure And Prevention Of Garget In Cattle. * * * The symptoms of Garget In Cows are: tightness of the skin, swelling of the udder, stringy or bloody milk, a dullness about the eyes, stiff joints, general languor and debility; and the cause is cold, improper food, uncleanness, being kept for a long time on hay only, and a variety of other causes. When the Epizootic was having its run all over the country, I dispensed quantities of Horse Medicines, and since that time I have given much attention and study to the diseases of horses and cattle. In the spring of 1872, a gentleman of this town had a valuable cow attacked with garget. The animal became very poor, was stiff in the joints, hide bound, refused food, and he thought he should lose her. After trying all the common remedies without effect, he came to me for medicine. I gave him Garget Cure, with directions how to use it, and in 48 hours the cow was entirely rid of the disease; dullness about the eyes disappeared, and the animal rapidly recovered. This gentleman had a brother, living in a neighboring town, who owns a fine herd of cows; one of these had garget, and I sent him a bottle of the Garget Cure, with the same result. The cure of the cow immediately followed. Others in that vicinity ordered it, and gave it with the same remarkable success. Soon I began to have orders from Wells, Sanford, and other towns in this vicinity, and, being anxious to know if it kept up its reputation, I have inquired of almost every one who used it, and they have invariably told me that it cured their cows immediately. The following named gentlemen are a few who have used the Garget Cure: * * * I am now having so many orders for this Garget Cure that I have concluded to put it up in bottles of three doses each (enough to cure any case of Garget), and introduce it to the public, hoping that it may be the means of saving many valuable cows. Who would not be willing to pay the price of a bottle of this Medicine (50 cents) rather than dose a sick cow two or three weeks with garget root or herb tea; or roweling, which is a troublesome matter; or even employing a cow doctor, who pretends to know all about sick cattle and don't know anything, and, after she is dead and buried, brings in a bill, 'For doctoring your cow till she died, Five Dollars,' when two or three doses of this preparation, one dose given every 24 hours in a little meal or other feed, will cure her. It is seldom necessary to give the three doses, as one or two are generally sufficient to perfect a cure, unless in very obstinate cases. One dose given every month will positively Prevent any cow ever

having the garget—and it is well to keep it on hand and give a dose occasionally. Those who keep a herd of valuable cows, need not be afraid to give it according to directions, as it is an entirely safe, although powerful remedy. In my experience as a Druggist, I see many Proprietary Medicines recommended for cure of all kinds of diseases—no matter if the diseases are entirely opposite in character, they cure everything. This Medicine is Not Recommended for all Diseases of Cattle. Garget It Will Cure, Surely And Speedily! * * * Each bottle is sufficient for cure of one animal. * * * Direction For Giving The Garget Cure. * * * Special Directions.—When the udder or teats are swollen, or bunches appear on the bag, rub the bag or teats with the Garget Cure diluted with water, twice a day, and in two or three days the bunches or swelling will disappear. * * * [Testimonials appearing in circular] ‘Gents:—I had a cow that had the Garget; would have sold her for five dollars. I used one bottle of Wallingford’s Garget Cure and seventy-five dollars would not buy her; the cow is now well.’ * * * ‘I can most fully recommend Wallingford’s Garget Cure, as I have known several instances where it has performed cures in bad cases, even when cows have given bloody milk, and almost lost the use of one teat.’ * * * ‘Wallingford’s Garget Cure. I have sold it and find it all it claims to be: sure cure.’ * * * ‘I had a cow whose bag was swelled bad; gave milk from two teats only. Used Wallingford’s Garget Cure, and two doses cured her; have had no trouble since.’ * * * ‘He says two doses cured her, and she had it “the worst kind.”’ * * * ‘I have a valuable heifer that was taken with Garget last June. I tried every remedy that I could think of; one night she was down in the pasture and could not get up. I gave her one dose of the Garget Cure, and instead of finding her dead, as I expected to in the morning, she was up and feeding. I gave her the remainder of the bottle, and she was well in four days.’”

On June 16, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19522. Adulteration and misbranding of malva. U. S. v. 165 Dozen Bottles, et al., of Malva. Default decrees of destruction entered. (F. & D. No. 28010. I. S. Nos. 51242, 51243. S. Nos. 6041, 6042.)

The drug product malva involved in this action was labeled as containing pepsin. Analysis of the article showed that it contained no active pepsin. The circular shipped with the article contained unwarranted curative and therapeutic claims.

On April 15 and April 16, 1932, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 214 dozen bottles of the said malva, in part at Greenville, S. C., and in part at Anderson, S. C., alleging that the article had been shipped by the Malva Medicine Co., from Columbus, Ohio, the former on or about February 17, 1932, and the latter on or about March 10, 1932, and had been transported from the State of Ohio into the State of South Carolina, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis by this department of a sample of the article taken from the consignment at Greenville, S. C., showed that it consisted essentially of extracts of plant drugs including laxative drugs such as cascara sagrada and a mydriatic drug such as belladonna, alcohol, sugar, and water. The article contained no pepsin. Analysis of a sample taken from the consignment at Anderson, S. C. showed a similar composition, except that no mydriatic drug was present.

It was alleged in the libels that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, “Malva * * * containing * * * Pepsin.”

Misbranding was alleged for the reason that the statement in the circular, “Malva * * * containing * * * Pepsin,” was false and misleading. Misbranding was alleged for the further reason that the following statements, appearing in exhibits attached to and made a part of libels, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) “Malva has, on many occasions had an almost immediate effect. At times its reaction has been noted after the very first bottle has been taken. * * * a medicine like Malva cannot be expected to